

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY Caption in Compliance with D.N.J. LBR 9004-l(b)	
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<p>In re:</p> <p>LTL MANAGEMENT, LLC,</p> <p>Debtor.¹</p>	<p>Chapter 11</p> <p>Case No.: 21-30589 (MBK)</p> <p>Honorable Michael B. Kaplan</p> <p>Hearing Date: July 26, 2022</p>

**OFFICIAL COMMITTEE OF TALC CLAIMANTS' STATEMENT REGARDING
(1) TRAVELERS CASUALTY AND SURETY COMPANY'S MOTION FOR AN ORDER
GRANTING RELIEF FROM THE AUTOMATIC STAY TO ALLOW THE NJ COVERAGE
ACTION TO PROCEED, D.I. 1488, AND (2) NEW JERSEY COVERAGE ACTION PLAINTIFF-
INSURERS' MOTION FOR AN ORDER (I) CONFIRMING THAT THE AUTOMATIC STAY
DOES NOT APPLY TO THE NEW JERSEY COVERAGE ACTION OR, IN THE
ALTERNATIVE, (II) GRANTING RELIEF FROM THE AUTOMATIC STAY TO ALLOW THE
NEW JERSEY COVERAGE ACTION TO
PROCEED, D.I. 1491**

¹ The last four digits of the Debtor's taxpayer identification number are 6622. The Debtor's address is 501 George Street, New Brunswick, New Jersey 08933.

The Official Committee of Talc Claimants (the “TCC”) hereby submits this Statement regarding the relief requested in (1) the *New Jersey Coverage Action Plaintiff-Insurers’ Motion for an Order (I) Confirming that the Automatic Stay Does Not Apply to the New Jersey Coverage Action or, in the Alternative, (II) Granting Relief from the Automatic Stay to Allow the New Jersey Coverage Action to Proceed* [Dkt. 1491] (the “Plaintiff-Insurers’ Motion”), and *Travelers Casualty and Surety Company’s Motion for an Order Granting Relief From the Automatic Stay to Allow the NJ Coverage Action to Proceed* [Dkt. 1488] (the “Travelers’ Motion”, together with the Plaintiff-Insurers’ Motion, the “Motions”).

PROCEDURAL BACKGROUND

1. On May 3, 2019, insurance companies (the “Plaintiff-Insurers”) commenced insurance coverage litigation against Johnson and Johnson (“J&J”), Johnson & Johnson Consumer Inc. (“Old JJCI”), Middlesex Assurance Company (a captive insurance company that is a wholly owned subsidiary of J&J) and other insurance companies, including Travelers Casualty and Surety Company (“Travelers”), in New Jersey Superior Court (the “New Jersey Court”), styled *Atlanta International Insurance Company v. Johnson & Johnson*, MID-L-3563-19 (N.J. Super. Ct., Law Div.) (the “New Jersey Coverage Action”).

2. In the New Jersey Coverage Action, the Plaintiff-Insurers sought a declaratory judgment concerning coverage for defense and indemnity with respect to the talc claims asserted against Old JJCI under commercial general liability policies (the “Policies”) sold by the Plaintiff-Insurers and other insurance companies, including Travelers.

3. J&J, JCI and Travelers filed counterclaims and cross-claims seeking declaratory relief concerning coverage for the talc claims under the Policies.

4. LTL Management, Inc. (“Debtor”) has rights under the Policies, which are assets of the bankruptcy estate. *In re LTL Management, LLC*, Case No. 21-30589 (MBK), 2022 WL 586161, at *17 (Bankr. D.N.J. Feb. 25, 2022).

5. On October 14, 2021, when Debtor filed for relief under Chapter 11 of the Bankruptcy Code, an automatic stay imposed by section 362 of the Bankruptcy Code (the “Automatic Stay”) became effective.

6. Based on the Automatic Stay, the New Jersey Court stayed the New Jersey Coverage Action on December 6, 2021.

7. On January 11, 2022, the Court in this action (the “Bankruptcy Court”) lifted the Automatic Stay in order to permit limited discovery in a talc claim filed by Vincent Hill, noting that the “Court [did] not want to prejudice the interest of Mr. Hill given his health and time constraints,...” Jan. 11, 2022 Hearing Transcript at 91; Dkt. 1113.

8. The Bankruptcy Court then reapplied the Automatic Stay on March 7, 2022. Dkt. 1635.

9. On February 15, 2022, Travelers and the Plaintiff-Insurers filed the Motions seeking to lift the Automatic Stay so that they could proceed to litigate the New Jersey Coverage Action. Dkt. 1488, 1491.

10. On March 16, 2022, the Official Committee of Talc Claimants I (“TCC 1”) filed a Response in Opposition to the Motions (“Response”) and Debtor filed an objection to the Motions. Dkt. 1738, 1739.

11. On June 7, 2022, the Bankruptcy Court adjourned the Motions to a hearing on July 6, 2022 and authorized the parties “to file with the Court a written submission to address whether the Court should take further action with respect to the Motions and the automatic stay;

provided, however, that the parties are not required to submit any additional briefing.” Dkt. 2424 at 4 (emphasis in original).

12. On July 1, 2022, the Bankruptcy Court adjourned the hearing on the Motions to July 26, 2022. Dkt. 2640.

13. TCC submits this Statement in further opposition to the Motions.

STATEMENT

14. By stipulation and order, TCC has the right (but not the obligation) to adopt and pursue any court filings made by TCC 1. Dkt. 1970.

15. TCC adopts as if fully incorporated herein TCC 1’s Response to the Motions. A copy of the Response is attached for the Court’s reference.

CONCLUSION

16. For the foregoing reasons and all of the reasons set forth in the Response [Dkt. 1738], the Motions should be denied.

Dated: July 19, 2022

Respectfully Submitted,

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